

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN CHARLES STANLEY,

Defendant.

CR 11-11-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on June 15, 2016. Defendant admitted he had violated Standard Condition 1 of his supervised release by using methamphetamine and opiates, he had violated Standard Condition 6 of his supervised release by failing to inform his probation officer prior to a change in residence, he had violated Standard Condition 7 of his supervised release by failing to submit written supervision reports, and he had violated Special Condition 3 of his supervised release by operating a motor vehicle without written authorization from the United

States Probation Office. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of three months, with 33 months of supervised release to follow. Judge Johnston also recommended that Defendant reside in a residential reentry center for six months while on supervised release.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Conditions 1, 6 and 7 and Special Condition 3. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of five to eleven months. A sentence of three months in custody, followed by 33 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations
(Doc. 50) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 5th day of July, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge